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United States Department Of Commerce
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P.O. Box 1450
Alexandria, VA 22313-1450

Subject: Application No. 10/667,673
Filing date: 9/22/03
First named inventor: John Barney
Attorney Docket No. 020614
Confirmation No. 9394
Emmanuel Marcelo Examiner

Dear Emmanuel,

After having a conversation with Katherine Matecki (in your absence) it was determined that some additional detail on our Claim #1 was required which should make it easier to differentiate between ours and the "prior art" you have referenced. I have also sent a copy of a letter I had faxed earlier to your attention as I am not sure you ever received it.

Claim #1 should now read as follows:

1. A lifter comprising:

Tongs comprising of a set of levers configured with a scissors style linkage;
An electric motor operatively and physically coupled with the tongs for actuating the tongs; and a vector drive controller electrically coupled to the electric motor for controlling the opening and closing of the tong.

It should be noted we are using a completely different style tong and there is no computer system controlling our electric motor. Our hoist is also on board the tong and it is used for opening and closing the tong, not raising or lowering it.

Perhaps a discussion on this subject might be more beneficial. The tong has already been produced and is in operation. You can reach me at 724-941-1433 during EST standard working hours.

Thank You

John Barney

103-812-4306
Tax

March 2, 2005

United States Department of Commerce
US Patent and Trademark Office
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Attn: Emmanuel M. Marcelo

Subject: Application #10/667,673

Dear Mr. Marcelo,

I read your communication dated 2/11/05 and have outlined below my comments.

I do not believe the interpretation is correct for several reasons.

The file attached for reference as "prior art" does not apply because the lifting tong is of a completely different style. While the unit is lifted by a hoist its design is totally different than the slab tong I submitted. The slab tong I submitted is indeed lifted by a hoist also, however that hoist is not part of the unit, it is part of the overhead crane – the same as the slab lifter you used as "prior art". My tong is different because it is a scissor type lifter and it actually has a hoist mechanism onboard for opening and closing the unit.

What my application was designed to convey was basically new use of existing technology and the first of its kind as related to this traditionally styled tong. The "prior art" conveys a custom piece of equipment for an automated application and does not use a hoist for opening and closing of the unit but rather for lifting and lowering. Nor is the type of tong even remotely similar to my traditionally styled unit. And as far as I can tell, nor was a flux vector drive applied to the opening and closing of the unit.

The hoist operated scissor style tong is a completely different animal. The design has been around for at least 50-60 years but it has never been designed or built with a Flux vector drive. This drive technology provides certain qualities and features not available with the traditional hoists.

Consequently, I believe perhaps the application is being interpreted incorrectly.

I await your response or you can call me at 724-941-1433 during working hours EST.

John Barney